

# **DEFICIENCY PROGRESS REPORT – UPDATE 5**

January 23, 2008

**CUPA: FRESNO COUNTY DIVISION OF ENVIRONMENTAL HEALTH**

**Evaluation Date: June 21 and 22, 2006**

**Evaluators:** Robbie Morris, Cal/EPA  
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**Status: Deficiencies 2, 3, 6, and 7 remain outstanding.**

**Next Progress Report (5<sup>th</sup> Update) Due: March 31, 2008**

1. **Deficiency:** Based on the Summary Reports, the CUPA has not met the mandated inspection frequencies for underground storage tank facilities.

**Preliminary Corrective Action (due date unspecified):** The CUPA is currently gearing efforts toward meeting the mandated frequencies through program planning and hiring new staff. To verify status, the CUPA will provide the number of inspections completed in the quarterly reports.

**CUPA Corrective Action (September 29, 2006):** [No corrective action reported at this time, but CUPA submitted their Annual Inspection Summary Report 3 for fiscal year 2005-2006.]

**Cal/EPA Comments to September 29, 2006, Corrective Action:** Based on the CUPA's Summary Report 3 FY05/06, the CUPA has inspected approximately 87% of the regulated UST facilities. This is still below the annual inspection frequency for UST businesses. Please provide Cal/EPA with the total number of regulated UST facilities, the inspection goals for your inspectors, and the actual number of routine (compliance) inspections conducted within the first half of this fiscal year (July 2006 to December 2006).

**CUPA Corrective Action (January 5, 2007):**

- There were 438 underground storage tank facilities identified during the first quarter of Fiscal Year 06/07 [July to September 2006].
- The inspection goal for each quarter is 110 facilities. Please note that facilities are inspected based on their anniversary. The majority of facilities have inspection anniversaries in the last two quarters of each fiscal year.
- There were 84 underground storage tank facilities inspected during this quarter.

**Cal/EPA Comments to January 5, 2007, Corrective Action:** *The CUPA has inspected 19% of its regulated UST facilities for the first quarter of this fiscal year (FY) 2006-2007. If the CUPA continues to inspect at this frequency for each quarter, then approximately 77% of the UST businesses would be inspected, which remains below the annual inspection frequency for such facilities. The CUPA stated that most facilities*

*are inspected based on their anniversary and that the majority of the anniversary dates fall on the last two quarters of each fiscal year.*

*Therefore, this deficiency is considered a correction in progress. On the next progress report due by February 9, 2007, the CUPA must update Cal/EPA with the total number of regulated UST facilities, the inspection goals for your inspectors, and the actual number of routine (compliance) inspections conducted within the first half of this fiscal year (July 2006 to December 2006). If the CUPA is able to adhere to the annual inspection frequency for all regulated UST facilities by the end of this fiscal year, then this deficiency will be considered corrected, else the CUPA will develop a strategy and begin implementation of a plan to ensure adherence to the annual inspection frequency requirement.*

**CUPA Corrective Action (April 3, 2007):**

- There were 477 underground storage tank facilities identified during the second quarter of Fiscal Year 06/07 [October to December 2006].
- The inspection goal for each quarter is 110 facilities. Please note that facilities are inspected based on their anniversary. The majority of the facilities have inspection anniversaries in the last two quarters of each fiscal year.
- There were 57 underground storage tank facilities inspected during this quarter.
- To date for the fiscal year 141 facilities have been inspected [from July 1, 2006, to December 31, 2006].

**Cal/EPA & SWRCB Comments to April 3, 2007, Corrective Action:** *Fresno County CUPA has inspected approximately 30% (141 of 477) of their UST facilities for the first half of this fiscal year. In addition, the CUPA has not been able to meet their inspection goals based on the CUPA's January and April 2007 updates to Cal/EPA. Therefore, this deficiency remains outstanding. The CUPA has reiterated that their UST facilities are inspected based on their anniversary dates and most of the businesses' anniversaries fall on the last two quarters of the fiscal year. Therefore, if the CUPA is able to inspect the remaining 336 UST facilities during the remainder of this fiscal year, then this deficiency will be considered corrected. Cal/EPA and SWRCB strongly recommend, however, that the CUPA adjust their inspection procedure so that inspection dates are evenly spread throughout the fiscal year instead of the CUPA waiting to complete the remaining and bulk of the UST compliance inspections during the facilities' anniversaries in the second half of the fiscal year. On the next status report due on **July 5, 2007**, please update Cal/EPA on the progress toward correcting this deficiency, including the total number of regulated UST facilities and the actual number of routine (compliance) inspections conducted within this fiscal year (11 months into this fiscal year **or** the entire fiscal year period ). **Additionally**, if the CUPA is unable to meet the mandated inspection frequency by the end of this fiscal year, then the CUPA is also requested to submit a plan to ensure adherence to the mandated inspection frequency.*

**CUPA Corrective Action (July 26, 2007):**

- There were 436 known active underground storage tank facilities identified during the third quarter of Fiscal Year 06/07 [January to March 2007].
- The inspection goal for each quarter is 109 facilities. Please note that facilities are inspected based on their anniversary. The majority of the facilities have inspection anniversaries in the last two quarters of each fiscal year.
- There were 108 underground storage tank facilities inspected during this quarter.
- To date for the fiscal year 249 facilities have been inspected [from July 1, 2006, to March 31, 2007].

**Cal/EPA & SWRCB Comments to July 26, 2007, Corrective Action:** *This deficiency is still in the process of being corrected. The CUPA has inspected 57% of their UST sites for the first three quarters of FY 06/07. If the CUPA was able to inspect the remaining 187 USTs (assuming the total number of UST sites is 436) within the last quarter, then this deficiency will be considered corrected. On the next progress report, due on October 2, 2007, please update Cal/EPA on the status of this deficiency, including the total number of UST facilities, the actual number of routine (compliance) inspections conducted, and the number of inspectors dedicated to the UST program for the entire FY 06/07. If the CUPA was unsuccessful in inspecting all USTs for FY 06/07, the CUPA will develop a strategy and begin implementation of a plan to ensure adherence to the annual inspection frequency requirement. Submit a status of the CUPA's progress in implementing their plan on the next update due in October. The CUPA is strongly encouraged to adjust their inspection procedure so that inspection schedules are evenly spread throughout the fiscal year instead of the CUPA waiting to complete the remaining and bulk of the UST compliance inspections during the facilities' anniversaries in the second half of the fiscal year.*

**CUPA Corrective Action (September 28, 2007):** [Taken from the CUPA's FY 06/07 Self Audit report] 435 of the 436 known underground storage tank facilities were inspected during the fiscal year [2006-2007]. All of the facilities that meet the December 1998 UST Upgrade requirements were inspected during the fiscal year. The one facility not inspected is currently under construction and has not begun operation.

**Cal/EPA & SWRCB Comments to September 28, 2007, Corrective Action:** *The CUPA has satisfactorily corrected this deficiency; no further update is required.*

2. **Deficiency:** Based on the Summary Reports, the CUPA has not met the mandated inspection frequencies for CalARP facilities in the past three years.

**Preliminary Corrective Action (due date unspecified):** The CUPA is currently gearing efforts toward meeting the mandated frequencies through program planning and hiring new staff. To verify status, the CUPA will provide the number of inspections completed in the quarterly reports.

**CUPA Corrective Action (September 29, 2006):** [No corrective action reported at this time, but the CUPA submitted their Annual Inspection Summary Report 3 for fiscal year 2005-2006.]

**Cal/EPA Comments to September 29, 2006, Corrective Action:** *Based on the CUPA's Summary Report 3 FY05/06, the CUPA has inspected about 3% of the regulated CalARP facilities. This is below the triennial inspection frequency for CalARP facilities. Please provide Cal/EPA with the total number of regulated CalARP facilities, the inspection goals for your inspectors, and the actual number of routine (compliance) inspections conducted within the first half of this fiscal year (July 2006 to December 2006).*

**CUPA Corrective Action (January 5, 2007):**

- There were 94 CalARP facilities identified during the first quarter of Fiscal Year 06/07 [July to September 2006].
- The inspection goal for each quarter is 8 facilities.
- There were 4 CalARP facilities inspected during this quarter.

**Cal/EPA Comments to January 5, 2007, Corrective Action:** *The CUPA has inspected 4% of its regulated CalARP facilities for the first quarter of this FY, which would be approx. 17% total for this FY. This total percentage rate remains below the triennial inspection frequency for CalARP facilities. Do continue to work towards increasing the inspection frequency to at least 33% annually. On the next progress report due by February 9, 2007, update Cal/EPA with the total number of regulated CalARP facilities, the inspection goals for your inspectors, and the actual number of routine (compliance) inspections conducted within the first half of this fiscal year (July to December 2006). If the CUPA is able to adhere to the triennial inspection frequency for all regulated CalARP facilities at the end of this fiscal year, then this deficiency will be considered corrected, else the CUPA must develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency requirement.*

**CUPA Corrective Action (April 3, 2007):**

- There were 97 CalARP facilities identified during the second quarter of Fiscal Year 06/07 [October through December 2006].
- The inspection goal for each quarter is 8 facilities.
- There were 2 CalARP facilities inspected during the second quarter.
- To date for the fiscal year 6 facilities have been inspected [from July 1, 2006, to December 31, 2006].

**Cal/EPA & OES Comments to April 3, 2007, Corrective Action:** *This deficiency remains outstanding as Fresno County CUPA has inspected about 6% of their CalARP facilities in the first half of this fiscal year. If the CUPA manages to inspect an additional 27% of its CalARP facilities for the remainder of this fiscal year, then this deficiency will be considered corrected. On the next status report due on **July 5, 2007**, please update*

*Cal/EPA on the status of this deficiency, including the total number of CalARP facilities and the actual number of routine (compliance) inspections conducted within this fiscal year (11 months into this fiscal year **or** the entire fiscal year period ). **Additionally**, if the CUPA is unable to meet the mandated triennial inspection frequency by the end of this fiscal year, then the CUPA is also requested to submit a plan toward correcting this deficiency.*

**CUPA Corrective Action (July 26, 2007):**

- There were 96 CalARP facilities identified during the third quarter of Fiscal Year 06/07 [January through March 2007].
- The inspection goal for each quarter is 8 facilities.
- There were no CalARP facilities inspected during the third quarter.
- To date for the fiscal year 6 facilities have been inspected [from July 1, 2006, to March 31, 2007].

**Cal/EPA Comments to July 26, 2007, Corrective Action:** *This deficiency remains outstanding. The CUPA has not inspected any CalARP facilities during the third quarter; thus far, only 6% has been inspected for FY 06/07. If the CUPA was able to inspect an additional 26 CalARP sites (assuming the total number of CalARP facilities is 96) within the last quarter, then this deficiency will be considered corrected. On the next progress report, due on October 2, 2007, please update Cal/EPA on the status of this deficiency, including the total number of CalARP facilities, the actual number of routine (compliance) inspections conducted, and the number of inspectors dedicated to the CalARP program for the entire FY 06/07. If the CUPA was unsuccessful in inspecting 33% of its CalARP sites for FY 06/07, the CUPA will develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency requirement. Submit a status of the CUPA's progress in implementing their plan on the next update due in October.*

**CUPA Corrective Action (September 28, 2007):** [Taken from the CUPA's FY 06/07 Self Audit report] 10 CalARP facility inspections were performed out of the 93 known CalARP facilities.

**Cal/EPA & OES Comments to September 28, 2007, Corrective Action:** *This deficiency remains outstanding. The CUPA has inspected an addition of 4 CalARP sites since the last update. Approximately 10.8% of the CalARP facilities were inspected during FY 06/07. The CUPA is strongly encouraged to develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency requirement. On the next progress report, due on December 31, 2007, please update Cal/EPA on the status of this deficiency, including an update of implementing the action plan, if available, and the total number of CalARP facilities, the actual number of routine (compliance) inspections conducted, and the number of inspectors dedicated to the CalARP program for the first five months into FY 07/08 (July 1 to November 30, 2007).*

**CUPA Corrective Action (January 9, 2008):** (The first three paragraphs are taken from an e-mail sent by the CUPA.) [Fresno County CUPA has] recently hired two new permanent staff into the CUPA program. They both have been assigned to the vacant positions we have been carrying for almost 2 years. In addition our part time help has continued to find new previously unregulated facilities and currently are bringing in an average of \$5,000 of new annual fees per month.

Given this we are moving forward with a plan to address our inspections of facilities. We have requested additional Extra Help (part time) to aide in the New Business Sweeps. If successful we will utilize existing permanent staff to concentrate solely on facility inspections. The goal is to finish this current fiscal year with a significant increase in the number of regulated sites inspected.

Once the new staff is trained we hope that we will be able to fully implement our plan. Also, please keep in mind that the Aboveground Petroleum Storage Act (APSA) will be implemented without the addition of new staff until fees can be developed for 2010. This will impact our program with an equivalent of 2 full time staff. Hopefully during the next two years during the development of this new program we will try to "kill as many birds" with one stone" by focusing our HMBP and Haz[ardous] Waste Generator inspections at sites identified to also have aboveground storage tanks.

- There were 111 CalARP facilities identified during the first quarter of Fiscal Year 07/08.
- The inspection goal for each quarter is now 12 facilities.
- There were 8 CalARP facilities inspected during the first quarter.
- To date for the five quarters reported 14 facilities have been inspected.

**Cal/EPA & OES Comments to January 9, 2008, Corrective Action:** *The CUPA has significantly increased their CalARP inspections compared to all previous updates. However, this deficiency remains outstanding. The CUPA has inspected approximately 7% of their CalARP facilities during the first quarter of FY 07/08. The CUPA is strongly encouraged to continue with their progress. On the next progress report, due on March 31, 2008, please update Cal/EPA on the status of this deficiency, including the total number of CalARP facilities and the actual number of routine (compliance) inspections conducted for the first eight months into FY 07/08 (July 1, 2007, to February 29, 2008).*

- 3. Deficiency:** The CUPA is not conducting inspections with a frequency that is consistent with its Inspection and Enforcement Plan and with the inspection of other program elements.

**Preliminary Corrective Action (due date unspecified):** The CUPA is currently gearing efforts toward meeting the mandated frequencies through program planning and hiring new staff. The CUPA shall complete inspections of all facilities including tiered permitted facilities within its three year inspection cycle.

To verify status, the CUPA will provide the number of inspections completed in the quarterly reports.

**CUPA Corrective Action (September 29, 2006):** [No corrective action reported at this time, but the CUPA submitted their Summary Report 3.]

**Cal/EPA Comments to September 29, 2006, Corrective Action:** *Based on the CUPA's Summary Report 3 FY05/06, the CUPA has inspected about 15% of the regulated HWG facilities. This is still inconsistent with the inspection frequency (every 3 years) for HWG facilities as identified in the CUPA's Inspection and Enforcement Plan. Please provide Cal/EPA with the total number of regulated UST facilities, the inspection goals for your inspectors, and the actual number of routine (compliance) inspections conducted within the first half of this fiscal year (July 2006 to December 2006). Prioritizing the inspections based on the risk and complexity of the facilities is suggested; do include the large quantity generators and PBR facilities on your priority.*

**CUPA Corrective Action (January 5, 2007):**

- There were 1,173 Hazardous Waste Generator (HWG) facilities identified during the first quarter of Fiscal Year 06/07 [July to September 2006].
- The inspection goal for each quarter is 98 facilities.
- There were 67 HWG facilities inspected during this quarter.
- There were 1,967 hazardous materials business plan facilities identified during the first quarter of Fiscal Year 06/07.
- The inspection goal for each quarter is 164 facilities.
- There were 102 hazardous materials business plan facilities inspected during this quarter.
- The underground storage tank facility information was addressed in the response to Deficiency 1 above.
- The CalARP facility information was addressed in the response to Deficiency 2 above.

**Cal/EPA Comments to January 5, 2007, Corrective Action:** *The CUPA has inspected 6% of its regulated HWG businesses for the first quarter of this FY, which would be about 22% total for this FY. This total percentage rate remains below the triennial inspection frequency for HWG facilities as required on the CUPA's Inspection and Enforcement Plan. Do continue to work towards increasing the inspection frequency to at least 33% annually. On the next progress report due by February 9, 2007, update Cal/EPA with the total number of regulated HWG businesses, the inspection goals for your inspectors, and the actual number of routine (compliance) inspections conducted within the first half of this fiscal year (July to December 2006). If the CUPA is able to adhere to the triennial inspection frequency for all regulated HWG businesses at the end of this fiscal year, then this deficiency will be considered corrected, else the CUPA will develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency requirement. Cal/EPA*

*recommends prioritizing the inspections based on the risk and complexity of the facilities; do include the large quantity generators and PBR facilities on your priority.*

*The CUPA has inspected 5% of its regulated HMRRP businesses for the first quarter of this FY, which would be about 21% for this FY. This total percentage rate remains below the triennial inspection frequency for HMRRP facilities. Do continue to work towards increasing the inspection frequency to at least 33% annually. On the next progress report due by February 9, 2007, update Cal/EPA with the total number of regulated HMRRP facilities, the inspection goals for your inspectors, and the actual number of routine (compliance) inspections conducted within the first half of this fiscal year (July 2006 to December 2006). If the CUPA is able to adhere to the triennial inspection frequency for all regulated HMRRP facilities at the end of this fiscal year, then this deficiency will be considered corrected, else the CUPA develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency requirement.*

**CUPA Corrective Action (April 3, 2007):**

- There were 1,170 Hazardous Waste Generator (HWG) facilities identified during the second quarter of Fiscal Year 06/07 [October to December 2006].
- The inspection goal for each quarter is 98 facilities.
- There were 51 HWG facilities inspected during this quarter.
- To date for the fiscal year 118 facilities have been inspected [from July 1, 2006, to December 31, 2007].
- There were 1,971 hazardous materials business plan facilities identified during the second quarter of Fiscal Year 06/07.
- The inspection goal for each quarter is 164 facilities.
- There were 99 hazardous materials business plan facilities inspected during this quarter.
- To date for the fiscal year 201 facilities have been inspected.
- The underground storage tank facility information was addressed in the response to Deficiency 1 above.
- The CalARP facility information was addressed in the response to Deficiency 2 above.

**Cal/EPA, DTSC & OES Comments to April 3, 2007, Corrective Action:** *The CUPA has inspected about 10% of their generators and also 10% of their business plan facilities for the first half of this fiscal year; these inspection frequencies are below the CUPA's inspection goals for both programs. Therefore, this deficiency remains uncorrected. If the CUPA is able to inspect a total of at least a third of its hazardous waste generators and a third of the business plan facilities by the end of this fiscal year, then this deficiency will be considered corrected. On the next status report due on **July 5, 2007**, please update Cal/EPA on the status of this deficiency, including the total number of HWG and HMRRP facilities and the actual number of routine (compliance) inspections conducted for both programs within this fiscal year (11 months into this*



*fiscal year or the entire fiscal year period ). **Additionally**, if the CUPA is unable to meet the inspection frequency for both the HWG and HMRRP programs by the end of this fiscal year, then the CUPA is also requested to submit a plan to ensure adherence to the inspection frequency. The plan requested also in deficiencies 1 and 2 may be incorporated under one plan, but it must address all of the Unified Program elements requiring inspection frequency improvement.*

**CUPA Corrective Action (July 26, 2007):**

- There were 1,172 known active Hazardous Waste Generator (HWG) facilities identified during the third quarter of Fiscal Year 06/07 [January to March 2007].
- The inspection goal for each quarter is 98 facilities. Please note that staff is comparing the list of Hazardous Waste Generators from the Hazardous Waste Tracking System with the list of facilities in our database in order to find and verify new sites or previously unknown sites within our jurisdiction.
- There were 30 HWG facilities inspected during this quarter.
- To date for the fiscal year 148 facilities have been inspected [from July 1, 2006, to March 31, 2007].
- There were 1,985 known active hazardous materials business plan facilities identified during the second quarter of Fiscal Year 06/07.
- The inspection goal for each quarter is 165 facilities. Please note that during the Third Quarter of this Fiscal Year, staff's efforts have been prioritized to find and inspect facilities that have not submitted a Hazardous Materials Business Plan within our jurisdiction. During this quarter 134 new businesses were identified and inspected.
- There were 65 hazardous materials business plan facilities inspected during this quarter.
- To date for the fiscal year 266 facilities have been inspected.
- The underground storage tank facility information was addressed in the response to Deficiency 1 above.
- The CalARP facility information was addressed in the response to Deficiency 2 above.

**Cal/EPA, OES, & DTSC Comments to July 26, 2007, Corrective Action:** *This deficiency remains outstanding. On the next progress report, due on October 2, 2007, please update Cal/EPA on the status of this deficiency, including the total number of HWG and HMRRP facilities, the actual number of routine (compliance) inspections conducted, and the number of inspectors dedicated to the HWG and business plan programs for the entire FY 06/07. If the CUPA was unsuccessful in inspecting at least 33% of its HWG and business plan sites for FY 06/07, the CUPA will develop a strategy and begin implementation of a plan to ensure adherence to a triennial inspection frequency schedule. Submit a status of the CUPA's progress in implementing their plan on the next update due in October.*

**CUPA Corrective Action (September 28, 2007):** [Taken from the CUPA's FY 06/07 Self Audit report] 173 of the 1136 known hazardous waste generators were inspected for compliance with hazardous waste regulations.

**Cal/EPA & DTSC Comments to September 28, 2007, Corrective Action:** *This deficiency remains outstanding. The CUPA inspected 58 additional sites since the last update. Thus, the CUPA has inspected approximately 15.2% of its total hazardous waste generator facilities for FY 06/07: the CUPA inspected 0 of 14 large quantity generators; 8 of 12 onsite hazardous waste treatment facilities (PBR, CA, CE); and 6 of 6 household hazardous waste PBR sites. The CUPA is strongly encouraged to develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency schedule as stated on their Inspection and Enforcement Program Plan. The CUPA is also encouraged to continue to prioritize on inspecting tiered permitting (TP) facilities and, in addition, to prioritize inspections on large quantity generators (LQG). On the next progress report, due on December 31, 2007, please update Cal/EPA on the status of this deficiency, including an update of implementing the action plan, if available, and the total number of TP, LQG and "other" hazardous waste generator facilities and the actual number of routine (compliance) inspections conducted for each of these categories of generators during first five months into FY 07/08 (July 1 to November 30, 2007).*

**CUPA Corrective Action (January 9, 2008):**

- There were 1,306 known active Hazardous Waste Generator (HWG) facilities identified during the first quarter of Fiscal Year 07/08.
- The inspection goal for each quarter is now 145 facilities. Please note that staff is comparing the list of Hazardous Waste Generators from the Hazardous Waste Tracking System with the list of facilities in our database in order to find and verify new sites or previously unknown sites within our jurisdiction.
- There were 35 HWG facilities inspected during this quarter.
- To date for the five quarters reported 213 facilities have been inspected.
- There were 2,163 known active hazardous materials business plan facilities identified during the first quarter of Fiscal Year 07/08.
- The inspection goal for each quarter is now 240 facilities. Please note that during the First Quarter of this Fiscal Year, staff's efforts have been prioritized to find and inspect facilities that have not submitted a Hazardous Materials Business Plan within our jurisdiction. During this quarter 134 new businesses were identified and inspected.
- There were 54 hazardous materials business plan facilities inspected during this quarter.
- To date for the five quarters reported 378 facilities have been inspected.
- The underground storage tank facility information has been satisfactorily corrected and no further update is required.
- The CalARP facility information was addressed in the response to Deficiency 2 above.

**Cal/EPA Comments to January 9, 2008, Corrective Action:** *This deficiency remains outstanding. The CUPA inspected approximately 2.7% of its hazardous waste generators for the first quarter of FY 07/08. The CUPA is strongly encouraged to develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency schedule as stated on their Inspection and Enforcement Program Plan. The CUPA is also encouraged to continue to prioritize on inspecting tiered permitting (TP) facilities and, in addition, to prioritize inspections on large quantity generators (LQG). On the next progress report, due on March 31, 2008, please update Cal/EPA on the status of this deficiency, including an update of implementing the action plan, if available, and the total number of hazardous waste generator facilities and the actual number of routine (compliance) inspections conducted during first eight months into FY 07/08 (July 1 to February 29, 2008).*

4. **Deficiency:** The FY 04/05 self-audit submitted to Cal/EPA did not contain all of the required elements.

**Preliminary Corrective Action by October 1, 2006:** The CUPA will submit a Self Audit that contains all of the requirements.

**CUPA Corrective Action (September 29, 2006):** [No corrective action reported at this time, but the CUPA submitted their Annual Self-Audit for fiscal year 2005-2006.]

**Cal/EPA Comments to September 29, 2006, Corrective Action:** *Based on the CUPA's submittal of their Annual Self-Audit FY05/06 in September 2006, Cal/EPA considers this deficiency corrected and no further update is required. The self-audit is reflective of the CUPA's evaluation of its implementation of the Unified Program, conducted at the end of each fiscal year. For next and subsequent self-audits, using the past tense is suggested, unless describing on-going problems/deficiencies/progress or stating future activities/goals/plans. Include a section on record of changes in local ordinances, resolutions, and agreements affecting the Unified Program; a statement of negative declaration under such a heading will suffice to meet the requirement. Also, on future self-audits, do include a section on CalARP program implementation, including but not limited to: a list of stationary sources that were audited, inspected, have been requested to develop Risk Management Plans (RMPs), and received public comments on the RMP; a list of modified, new stationary sources or those stationary sources exempt by the CUPA; and a summary of enforcement activities.*

5. **Deficiency:** No deficiency was identified; therefore, no corrective action is required.
6. **Deficiency:** The CUPA is not fully tracking and reporting Return to Compliance on their Annual Inspection Summary Report 3.

**Preliminary Corrective Action by October 1, 2006:** The CUPA will track and report Return to Compliances on Summary Report 3. The CUPA incorporated a check box on

the Inspection Report to ensure the Inspector leaves the RTC form with the business owner.

**CUPA Corrective Action (September 29, 2006):** [No corrective action reported at this time, but the CUPA submitted their Annual Inspection Summary Report 3 for fiscal year 2005-2006.]

**Cal/EPA Comments to September 29, 2006, Corrective Action:** *Based on the CUPA's Summary Report 3 FY05/06, this deficiency has not been corrected. Column 4 (the number of routine inspections that returned to compliance) remains incomplete. Please provide Cal/EPA with a plan to resolve this deficiency and also a complete Summary Report 3 FY05/06. A complete summary report should have all cells populated with a specified amount or number, else state "0" for none or "NA" for non-applicable items.*

**CUPA Corrective Action (January 5, 2007):** The CUPA is currently working on implementing use of the *Logging and Tracking Violations* feature of Envision for Windows by Decade Software Company within FY06/07. The CUPA has been using Envision for Windows to meet other program needs and this feature will provide a means to meet this requirement (see enclosed software information).

**Cal/EPA Comments to January 5, 2007, Corrective Action:** *The CUPA is taking steps to correct this deficiency by utilizing the "Logging and Tracking Violations" feature of Envision. If the CUPA is able to submit a completed Summary Report 3 (Inspections Summary Report) for this fiscal year on September 30, 2007, then this deficiency will be considered corrected. However, in the interim, the CUPA must take alternative steps in the event that such a program ("Logging and Tracking Violations" feature of Envision) is not fully functional in providing the required data by September 30, 2007. On the next status report due on February 9, 2007, continue to update Cal/EPA on the CUPA's progress of how using the "Logging and Tracking Violations" feature will be able to provide all the required data **AND** submit an alternative plan(s) that the CUPA will implement in the event that the logging/tracking feature does not provide all the required data before the Annual CUPA-to-State Summary Reports are due on September 30, 2007.*

**CUPA Corrective Action (April 3, 2007):** The CUPA is still working to implement the use of the *Logging and Tracking Violations* feature of Envision for Windows by Decade Software Company within Fiscal Year 06/07.

**Cal/EPA Comments to April 3, 2007, Corrective Action:** *Cal/EPA appreciates the update on this deficiency. This deficiency remains uncorrected. On the next status report, due on **July 5, 2007**, please update Cal/EPA on the progress toward correcting this deficiency and provide an alternative method or plan that the CUPA will implement in the event that the logging/tracking feature of the CUPA's database management program is unable to provide all the required data by September 30, 2007.*

**CUPA Corrective Action (July 26, 2007):** The CUPA is working to implement the use of the *Logging and Tracking Violations* feature of Envision for Windows by Decade Software Company within first quarter of Fiscal Year 07/08.

**Cal/EPA Comments to July 26, 2007, Corrective Action:** *This deficiency remains outstanding. On the next progress report, please submit the CUPA's Annual Inspection Summary Report for FY 06/07 with all applicable fields completed.*

**CUPA Corrective Action (September 28, 2007):** [The CUPA submitted their FY 06/07 Annual Inspection Summary Report.]

**Cal/EPA Comments to September 28, 2007, Corrective Action:** *Based on the CUPA's FY 06/07 Annual Inspection Summary Report, this deficiency remains a correction in progress. All fields requested under the "return to compliance" (RTC) column were not completely entered. No RTC information for the UST program was provided. If the CUPA is able to enter all the information requested on the summary report, please submit a revised summary report on the next update, due on December 31, 2007, else provide a status of the progress toward correcting this deficiency*

**CUPA Corrective Action (January 9, 2008):** The CUPA is working to implement the use of the *Logging and Tracking Violations* feature of Envision for Windows by Decade Software Company within second half of Fiscal Year 07/08.

**Cal/EPA Comments to January 9, 2008, Corrective Action:** *This deficiency remains outstanding. If the CUPA has made progress with the Logging and Tracking Violations feature of Envision, please submit a revised and completed FY 06/07 Annual Inspection Summary Report, else provide a status of the progress toward correcting this deficiency by March 31, 2008.*

7. **Deficiency:** The CUPA is not fully tracking and reporting enforcement actions taken on their Annual Enforcement Summary Report 4 for the past three fiscal years.

**Preliminary Corrective Action (due date unspecified):** Effective in 2005, the CUPA began taking formal enforcement actions and issuing AEOs and is tracking them. The CUPA will report this on the 2006 Summary Report 4.

**CUPA Corrective Action (September 29, 2006):** [No corrective action reported at this time, but the CUPA submitted their Annual Enforcement Summary Report 4 for fiscal year 2005-2006.]

**Cal/EPA Comments to September 29, 2006, Corrective Action:** *Based on the CUPA's Summary Report 4 FY05/06, this deficiency is considered a correction in progress. To verify that the CUPA is fully tracking and reporting enforcement actions*

*taken, please provide the number of facilities with violations for **all** program elements and specify the classes of violations for all HWG facilities and HWG elements. A complete summary report should have all cells populated with a specified amount or number, else state "0" for none or "NA" for non-applicable items.*

**CUPA Corrective Action (January 5, 2007):**

- Effective in 2005, the CUPA began taking formal enforcement actions and is issuing Administrative Enforcement Orders. Administrative Enforcement Orders and Notices of Violation are currently being tracked using a Log of Enforcement Actions.
- The CUPA is currently working on implementing use of the *Logging and Tracking Violations* feature of Envision for Windows by Decade Software Company within FY06/07. The CUPA has been using Envision for Windows to meet other program needs and this feature will provide a means to meet this requirement (see enclosed software information).

**Cal/EPA Comments to January 5, 2007, Corrective Action:** *The CUPA is taking steps to correct this deficiency by utilizing the "Logging and Tracking Violations" feature of Envision. If the CUPA is able to submit a completed Summary Report 4 (Enforcement Summary Report) for this fiscal year in September 2007, then this deficiency will be considered corrected. However, in the interim, the CUPA must take alternative steps in the event that such a program ("Logging and Tracking Violations" feature of Envision) is not fully functional in providing the required data by September 30, 2007. On the next status report due on February 9, 2007, continue to update Cal/EPA on the CUPA's progress in using the "Logging and Tracking Violations" feature **AND** submit an alternative plan(s) that the CUPA will implement in the event that the logging/tracking feature does not provide all the required data before the Annual CUPA-to-State Summary Reports are due on September 30, 2007.*

**CUPA Corrective Action (April 3, 2007):** The CUPA is still working to implement the use of the Logging and Tracking Violations feature of Envision for Windows by Decade Software Company within Fiscal Year 06/07. In the interim, the CUPA continues to track all Notices of Violation, Red Tag Issuance, Administrative Enforcement Orders and any Civil and Criminal cases using a Log of Enforcement Actions.

**Cal/EPA Comments to April 3, 2007, Corrective Action:** *Cal/EPA appreciates the update on this deficiency. However, similar to deficiency 6, this deficiency remains uncorrected. On the next status report, due on **July 5, 2007**, please update Cal/EPA on the progress toward correcting this deficiency and provide an alternative method or plan that the CUPA will implement in the event that the logging/tracking feature of the CUPA's database management program is unable to provide all the required data by September 30, 2007.*

**CUPA Corrective Action (July 26, 2007):** The CUPA is working to implement the use of the *Logging and Tracking Violations* feature of Envision for Windows by Decade Software Company within the first quarter Fiscal Year 07/08. In the interim, the CUPA

continues to track all Notices of Violation, Red Tag Issuance, Administrative Enforcement Orders and any Civil and Criminal cases using a Log of Enforcement Actions.

***Cal/EPA Comments to July 26, 2007, Corrective Action:*** *This deficiency remains outstanding. On the next progress report, please submit the CUPA's Annual Enforcement Summary Report for FY 06/07 with all applicable fields completed.*

**CUPA Corrective Action (September 28, 2007):** [The CUPA submitted their FY 06/07 Annual Enforcement Summary Report.]

***Cal/EPA Comments to September 28, 2007, Corrective Action:*** *Based on the CUPA's FY 06/07 Annual Enforcement Summary Report, this deficiency remains a correction in progress. Not all fields were provided on the summary report. For example, the violations information for the business plan, UST and CalARP programs were missing and the number of administrative enforcement orders (AEOs) taken under the business plan program. In addition, "zero" was entered for all classes of violations and there were at least four AEOs under the hazardous waste generator program. One informal enforcement action was taken, yet "zero" was entered for violations under the Permit-by-Rule household hazardous waste area. If the CUPA is able to enter all the information requested on the summary report, please submit a revised summary report on the next update, due on December 31, 2007, else provide a status of the progress toward correcting this deficiency.*

**CUPA Corrective Action (January 9, 2008):** The CUPA is working to implement the use of the *Logging and Tracking Violations* feature of Envision for Windows by Decade Software Company within the second half Fiscal Year 07/08. In the interim, the CUPA continues to track all Notices of Violation, Red Tag Issuance, Administrative Enforcement Orders and any Civil and Criminal cases using a Log of Enforcement Actions.

***Cal/EPA Comments to January 9, 2008, Corrective Action:*** *This deficiency remains a correction in progress. If the CUPA has made progress with the Logging and Tracking Violations feature of Envision, please submit a revised FY 06/07 Annual Enforcement Summary Report with all applicable information completed, else provide a status of the progress toward correcting this deficiency by March 31, 2008.*

8. **Deficiency:** The CUPA is not tracking and reporting CalARP fees on Summary Report 2.

**Preliminary Corrective Action (due date unspecified):** Effective in 2005, the CUPA began collecting Cal/ARP fees and is currently tracking them. The CUPA will report them on the 2006 Summary Report 2.

**CUPA Corrective Action (September 29, 2006):** [No corrective action reported at this time, but the CUPA submitted their Annual Single Fee Summary Report 2 for fiscal year 2005-2006.]

**Cal/EPA Comments to September 29, 2006, Corrective Action:** *Based on the CUPA's Summary Report 2 FY05/06, this deficiency is considered corrected and no further update is required.*

9. **Deficiency:** Based on the summary reports, the CUPA did not collect CalARP fees during the last three fiscal years.

**Preliminary Corrective Action (due date unspecified):** Effective in 2005, the CUPA began invoicing and collecting the CalARP fees; therefore, the deficiency has been corrected.

**CUPA Corrective Action (June 22, 2006):** [Taken from the CUPA's June 2006 Summary of Findings: Effective in 2005, the CUPA began invoicing and collecting the CalARP fees.]

**Cal/EPA Comments to June 22, 2006, Corrective Action:** *This deficiency was corrected at the time of the evaluation and, thus, no further update is required.*

10. **Deficiency:** The CUPA's Unified Program dispute resolution procedure does not address all of the elements required by the CalARP Program regulations.

**Preliminary Corrective Action by August 22, 2006:** The CUPA shall develop a CalARP dispute resolution procedure or modify the existing procedure to accommodate the CalARP requirements.

**CUPA Corrective Action (January 5, 2007):** The CUPA has prepared a Draft resolution procedure that is currently undergoing internal review for compliance with State law and regulations, and local ordinance and policy.

**Cal/EPA & OES Comments to January 5, 2007, Corrective Action:** *The CUPA has developed a draft resolution procedure. Once finalized, submit a copy to Cal/EPA and OES for review, else continue to update Cal/EPA on the CUPA's progress toward correcting this deficiency by February 9, 2007.*

**CUPA Corrective Action (April 3, 2007):** The CUPA has prepared a dispute resolution procedure, see attachment.

**Cal/EPA & OES Comments to April 3, 2007, Corrective Action:** *Cal/EPA & OES appreciate the effort that the CUPA has made toward correcting this deficiency. The CalARP dispute resolution procedure submitted by the CUPA meets the requirements*



*of CCR, Title 19, Section 2780.1. Therefore, this deficiency is considered corrected and no further update is required.*

- 11. Deficiency:** Based on review of facilities files, the CUPA is unable to document that all facilities that have received a notice to comply citing minor violations have returned to compliance within 30 days of notification.

**Preliminary Corrective Action (due date unspecified):** Effective in 2005, the CUPA incorporated a check box on the Inspection Report to ensure the Inspectors leave the RTC form with the business owner. Based on review of recent files, the CUPA has demonstrated receipt of RTC certificates.

**CUPA Corrective Action (June 22, 2006):** [Taken from the CUPA's June 2006 Summary of Findings: Effective in 2005, the CUPA incorporated a check box on the Inspection Report to ensure the Inspectors leave the RTC form with the business owner.]

**Cal/EPA Comments to June 22, 2006, Corrective Action:** *This deficiency was corrected at the time of the evaluation and, thus, no further update is required.*

- 12. Deficiency:** The CUPA did not conduct a complete oversight inspection.

**Preliminary Corrective Action (due date unspecified):** This deficiency was corrected onsite.

**CUPA Corrective Action (June 22, 2006):** [Based upon the CUPA's June 2006 Summary of Findings, corrective actions were taken and noted at the time of the evaluation.]

**Cal/EPA Comments to June 22, 2006, Corrective Action:** *This deficiency was corrected at the time of the evaluation and, thus, no further update is required.*

- 13. Deficiency:** Based on review of complaint investigation forms, the CUPA failed to take formal enforcement for some Class I violations.

**Preliminary Corrective Action:** Effective immediately, any Class I violation must be addressed through a formal enforcement action according to the State Enforcement Response Policy. For assistance in using DTSC Enforcement Response Policy EO-02-003-PP, please contact your DTSC CUPA liaison.

**CUPA Corrective Action (January 5, 2007):** Please see the enclosed documents labeled Exhibit 1 and 2.

**Cal/EPA & DTSC Comments to January 5, 2007, Corrective Action:** *Based on the submittal of two Class I violation cases and supporting documentation that these cases*

*were elevated to formal enforcement actions, Cal/EPA considers this deficiency corrected. No further update is required.*